

## **NOTICE OF INTENT**

### **Department of State Elections Division**

#### **Recognition of Political Parties (LAC 31:I.Chapter 9)**

Under the authority of R.S. 18:441, R.S. 36:742, and in accordance with the provisions of the Administrative Procedures Act, R.S. 49:950 et seq., the Secretary of State hereby gives notice of his intent to adopt uniform rules and regulations specifying the minimum guidelines to be used in recognizing political parties in Louisiana.

### **Title 31 ELECTIONS Part I. Election Process**

#### **Chapter 9. Recognition of Political Parties**

##### **§901. Purpose**

A. The purpose of this rule is to establish minimum guidelines to be used by the secretary of state in recognizing political parties.

AUTHORITY NOTE: Promulgated in accordance with R.S. 18:441 and R.S. 36:742.

HISTORICAL NOTE: Promulgated by the Department of State, Elections Division, LR 33:

##### **§903. Definitions**

A. For the purposes of this rule, the following definitions shall apply.

*Deceptively similar* — may mean a political party name which deceives the general public into believing that said political party is that of another party, when in fact, the two parties are not affiliated with each other.

*Identical* — may mean the same exact political party name, even though the two parties are not affiliated with each other.

AUTHORITY NOTE: Promulgated in accordance with R.S. 18:441 and R.S. 36:742.

HISTORICAL NOTE: Promulgated by the Department of State, Elections Division, LR 33:

##### **§905. Political Party Recognition Based on Registered Voters**

A. A political party which seeks recognition must have at least 1,000 registered voters in the state of Louisiana who are registered as being affiliated with such political party.

B. A political party shall request a list of registered voters from the secretary of state who are registered as being affiliated with the political party who is seeking

recognition; in order to verify that the political party has at least 1,000 registered voters. The secretary of state shall date this list of registered voters.

C. This list of registered voters shall be provided by the secretary of state's office, using the political party name given by the requestor, and shall be limited to the exact name provided. For example, a request for a list of registered voters with the "Green Party" would not include "Green," "Green Grass," "Green Labor," "Green Peace," "Greenpiece" or "Greens."

D. All of the following requirements shall be met by the political party for recognition by the secretary of state:

1. A notarized registration statement must be filed with the secretary of state no later than 90 days prior to the opening of the qualifying period for any election.
2. The registration statement must be accompanied by a fee in the amount of \$1,000, made payable to the Department of State only by certified or cashier's check on a state or national bank or credit union, United States postal money order, or money order issued by a state or national bank or credit union or money order.
3. The registration statement must be accompanied by a list of registered voters with the exact political party name, showing at least 1,000 voters and dated no less than 90 days prior to the opening of the qualifying period for any election.

AUTHORITY NOTE: Promulgated in accordance with R.S. 18:441 and R.S. 36:742.

HISTORICAL NOTE: Promulgated by the Department of State, Elections Division, LR 33:

#### **§907. Defects in a Registration Statement**

A. The secretary of state may, at his discretion, reject the filing of a registration statement for any of the following reasons:

1. A political party's name is identical to the name of any other existing political party, yet the two political parties are not affiliated based on official party documentation.
2. A political party's name is deceptively similar to the name of any other existing political party, based on official party documentation.
3. A political party's name is deliberately misleading or fraudulent in any respect.
4. A political party's emblem is deceptively similar to an emblem or trademark of any other existing political party.
5. A political party that attempts to be recognized in this state with the name "Independent" or "the Independent Party."
6. A political party's registration statement is incomplete and/or does not provide the required information. In such a case, the political party may resubmit a completed notarized registration statement without having to pay an additional registration fee. The secretary of state must receive a resubmitted registration statement no less than 90 days prior to the opening of the qualifying for any election, for recognition to apply in that primary or general election.

B. The secretary of state shall return the rejected registration statement, along with the registration fee, except in the case of an incomplete statement, where the political party chooses to resubmit a completed notarized registration statement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 18:441 and R.S. 36:742.

HISTORICAL NOTE: Promulgated by the Department of State, Elections Division, LR 33:

#### **§909. Objection to a Registration Statement**

A. Any person aggrieved by the recognition of political party based on the filing of a registration statement alleged to be false, fraudulent, deceptive, substantially misleading or otherwise prohibited by law may file an objection in writing to the secretary of state.

B. The objection must be filed within two years of the political party's registration filing.

C. The secretary of state must determine the validity of the objection, by determining whether the political party's registration statement is defective, based on the objection and any official documentation provided with the objection.

D. If the secretary of state determines that the objection is valid, he shall declare the political party's registration statement null and void and cancel the political party's recognition. The secretary of state shall provide written notice of his decision and the effective date to the political party.

E. The secretary of state shall not return the registration fee when a political party's registration is canceled pursuant to the provisions herein.

AUTHORITY NOTE: Promulgated in accordance with R.S. 18:441 and R.S. 36:742.

HISTORICAL NOTE: Promulgated by the Department of State, Elections Division, LR 33:

#### **§911. Cessation of a Recognized Political Party**

A. A political party that has been recognized in Louisiana and the rules herein shall cease to be recognized if no registered member of the party qualifies as a candidate in a primary election for any period of four consecutive years.

B. The four year consecutive period shall run from the date the political party becomes recognized.

AUTHORITY NOTE: Promulgated in accordance with R.S. 18:441 and R.S. 36:742.

HISTORICAL NOTE: Promulgated by the Department of State, Elections Division, LR 33:

#### **§913. Notification**

A. The secretary of state shall provide written notice to a political party that seeks recognition that the political party's registration statement is rejected for any of the reasons set forth in §907 through §911 above.

AUTHORITY NOTE: Promulgated in accordance with R.S. 18:441 and R.S. 36:742.

HISTORICAL NOTE: Promulgated by the Department of State, Elections Division, LR 33:

## **Family Impact Statement**

The proposed Rule LAC 31:I.Chapter 9 regarding recognition of political parties should not have any known or foreseeable impact on any family as defined by R.S. 49:972D or on family formation, stability, and autonomy. Specifically, there should be no known or foreseeable effect on:

1. the stability of the family;
2. the authority and rights of parents regarding the education and supervision of their children;
3. the functioning of the family;
4. family earnings and family budget;
5. the behavior and personal responsibility of children; and
6. the ability of the family or a local government to perform the function as contained in the proposed Rule.

Interested persons may submit written comments to Angie Rogers LaPlace, Commissioner of Elections, Department of State, P. O. Box 94125, Baton Rouge, LA 70804-9125. She will be responsible for responding to inquiries regarding this proposed Rule. A public hearing on this proposed Rule is scheduled for July 25, 2007 at 10 a.m. in the Broadwing Building, Auditorium, First Floor at the rear of the building, 8549 United Plaza Blvd., Baton Rouge, LA. At that time, all interested persons will be afforded an opportunity to submit data, views, or arguments either orally or in writing. The deadline for the department to receive written comments is 4:30 p.m. on July 26, 2007 after the public hearing.

Jay Dardenne  
Secretary of State